CWP No.955 of 2000.

16.8. 2007 Present : Mr.N.D.Sharma, counsel for the petitioner.

Mr.Ravinder Thakur, CGSC for respondents 1 to 3.

The petitioner is an ex-serviceman. After his discharge from the Indian Army he was appointed as Caretaker in the Vajra Canteen also known as "Golden Lion Canteen", on contract basis. The contract was for a fixed period of time and the contract period was extended from time to time. The last extension was given to the petitioner till 31st July, 1997. Thereafter, no further extension was given to the petitioner. In fact the respondents issued an advertisement calling for fresh applications from ex-serviceman for appointment against the post of Caretaker.

The petitioner herein challenged this action of the respondents in not granting him extension before the learned Central Administrative Tribunal. The Tribunal held that it had no jurisdiction to hear the matter since the petitioner was not an employee of the Central Government but of a Society running the Canteen in question. The petitioner thereafter filed the present writ petition.

We have heard Shri N.D.Sharma, learned counsel for the petitioner. There can be no manner of doubt that since the petitioner was an employee of the Society running the canteen and not an employee of the Union of India. Therefore, the Central Administrative Tribunal rightly held that it had no jurisdiction to entertain and decide the O.A. filed by the petitioner.

The petitioner has however challenged the action of the respondents directly in the writ petition before us. The petitioner has failed to show any statutory right to continue in the post. The only contention is that since he was working from 18.1.1984 and continued for a period of 13 years as Caretaker he should have been regularized against the said post of Caretaker and continue on the said post till he attained the age of superannuation. We are unable to accept this argument urged on behalf of the petitioner.

The Apex Court in **the Secretary, State of Karnataka vs. Uma Devi, (2006) 1 SCC 1** has clearly laid down that there can be no regularization of the services of an employee who has not been initially recruited as per the Recruitment and Promotion Rules. Further more, in the present case no effective relief can be granted to the petitioner since he admittedly has already attained the age of 58 years and has not worked against the post of Caretaker since the year 1997. Petition dismissed.

(Deepak Gupta),
Judge

August 16, 2007 **(V.K. Ahuja)**
PV **Judge.**